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C O N F I D E N T I A L KINGSTON 000731

SENSITIVE  
SIPDIS  
STATE FOR WHA/CAR (JMACK-WILSON) (BALVARADO) (VDEPIRRO) (WSMITH)  
L/LEI (CHOLLAND) (AKLUESNER)  
INR/IAA (GBOHIGAN)  
JUSTICE FOR OIA (PPETTY)  
TREASURY FOR ERIN NEPHEW  
INR/RES (RWARNER)  
PASS TO CENTRAL AMERICAN CARIBBEAN BASIN COLLECTIVE

E.O. 12958: DECL: 2019/11/02  
TAGS: [CJAN](#) [CVIS](#) [PREL](#) [PGOV](#) [PINR](#) [ASEC](#) [SNAR](#) [SOCI](#) [KCOR](#) [KCRM](#) [JM](#)  
XL  
SUBJECT: JAMAICA: DIP NOTE RECEIVED ON OCTOBER 30, 2009

REF: STATE 85807; KINGSTON 704

CLASSIFIED BY: Isiah Parnell, CDA; REASON: 1.4(B), (D)

¶1. (C) On October 30, CDA received the following diplomatic note, dated October 30, from the Minister of Justice Dorothy Lightbourne of the Ministry of Justice (MOJ):

(Begin text of MOJ DIP NOTE)

Re: Request for extradition of Christopher Coke

I have the honour of addressing your Excellency on behalf of the Government of Jamaica. I refer to the above captioned matter. I have carefully considered your response dated October 2, 2009. In accordance with Article IX of the treaty I will require further information and comments as set out hereunder before I can properly consider the request as required by the provisions of the Treaty and domestic legal requirements.

(a) Interference with witnesses is not a new situation. It is not unique to the United States. It is a tool used by criminal individuals and organizations to frustrate the process of justice. Jamaica is not only aware of it but has encountered it and we have introduced a system of witness protection to ensure that criminals do not secure their acquittal by eliminating witnesses. Jamaica recognizes however, that it must balance the public interest with the right of every accused to know his accuser. In our jurisdiction the prosecution must disclose the statements of all witnesses to the defence before trial. Jamaica recognizes the assurance given by the United States that Mr. Coke will have the right to confront all witnesses in court. Jamaica, however, is unable to understand the real concerns of the United States in not wishing to divulge the names of the witnesses in light of its own witness protection service and the fact that persons and associates under the control of drug organizations could launch an attack on witnesses after disclosure is made at trial. Jamaica notes that in the recent case of Davion Parson who was indicted for three counts of First Degree Murder, the names of the witnesses were disclosed. Retaliation against witnesses is

most likely in cases of murder.

(b) Jamaica notes that the question has not been answered. The question Jamaica wishes to have answered is whether the co-operating witnesses are being charged jointly with Christopher Coke as the evidence in their affidavits suggests that they should be so charged.

(c) Jamaica notes that the answer to this question is a qualified yes. It would be of assistance if we had a definitive answer. However, since your answer implies that the statements of the co-operating witnesses were not submitted to the Grand Jury, Jamaica is requesting a copy of the evidence which was presented before the Grand Jury and which formed the basis for the indictment.

(d) In the absence of an unqualified yes to the question at (c) an answer to the question at (d) is required.

(e) This request is now incorporated at paragraph (c).

(f) Jamaica wishes confirmation that as regards the charge of conspiracy contained in count one of the indictment no scientific analysis of the substance alleged to be marijuana and cocaine was done and a certificate placed before the Grand Jury.

(g) Jamaica is aware of the contents of the affidavit of co-operating witness 2. However we are asking for corroboration of that evidence from the records of the immigration authorities in the United States.

(h) Jamaica notes the assertion of the United States that Mr. Coke has not been designated by the executive of the United States as a significant foreign narcotics trafficker pursuant to the Foreign Narcotics Kingpin Designation Act. However on August 28, 2009 the US Drug Enforcement Administration issued a News Release under the name of Erin Mulvey, Public Information Officer. This release is captioned - "Manhattan U.S. Attorney Charges Jamaica-Based Drug Kingpin with Narcotics and Firearms Trafficking Crimes" and it is concerned with Mr. Coke. It states, inter alia, "Coke leads an international criminal organization known as the "Shower Posse," with members in Jamaica, the United States, and other countries - which he has led since the early 1990s. At COKE's direction and under his protection, members of his criminal organization sell marijuana and crack cocaine in the New York area and elsewhere, and send the narcotics proceeds back to COKE and his co-conspirators. COKE and his co-conspirators also arm the organization with illegally trafficked firearms. COKE has been named by the U.S. Department of Justice to the list of Consolidated Priority Organization Targets ("CPTOTs") which includes the world's most dangerous narcotics kingpins".

Jamaica wishes to know why is the DEA referring to Mr. Coke as a narcotics kingpin if he has not been so designated by the executive of the United States?

As regards Jamaica's concern that details of the request were passed to unauthorized persons the United States asserts that the information regarding this request was shared with officers of the Jamaican Government. We wish to be informed of the names of the officers of the Jamaican Government with whom the information was shared. This is of serious concern to the Jamaican

Government.

We note that witness John Doe states that telephone calls by and to Mr. Coke were intercepted by him, he being a member of the Jamaica Constabulary Force. The information gathered during the monitoring of these calls has been used as evidence on which the indictment is founded. Jamaica wishes to know whether the information was obtained by the United States in accordance with the treaty between Jamaica and the United States on Mutual Legal Assistance in criminal matters and in accordance with the provisions of the Mutual Assistance (Criminal Matters) Act.

Jamaica wishes the United States to disclose the name of the witness "John Doe" who states that he is a serving member of the Jamaica Constabulary Force. Jamaica notes that there should be no concern about interference with this witness.

We look forward to receiving the above mentioned information which will enable me to expedite my deliberations so as to fully comply with my obligations under the treaty and Jamaican law. Should you have any queries in relation to the above please do not hesitate to contact me.

(End Text)

12. (C) Comment: Regrettably, this request for additional information was not unexpected and was repeated on several prominent talk radio programs last week. It appears that the GOJ is looking for reasons to justify its inaction on the extradition requests and underscores its belief that action might result in significant social, political, and economic unrest, particularly in the Tivoli Gardens area of Kingston. End Comment.  
Parnell